THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23925 of 2006

17.11.2006

Between:

Chakali Jangaiah @ Bangari Jangaiah, S/o.Late Mallaiah

..... PETITIONER

AND

The Joint Collector, Ranga Reddy District, Khairatabad, Hyderabad
And others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.23925 of 2006

ORDER:

The petitioner filed the present writ petition assailing the order of the first respondent dated 20.12.2005 in File No.D5/8047/2003. By the said order, the first respondent refused to entertain revision petition filed by the petitioner under Section 9 of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity) in relation to an Interlocutory Order dated 27.10.2003 passed by the second respondent suspending the operation of Pattadar Pass Books (PPBs) and title deeds issued to the petitioner by the Mandal Revenue Officer (MRO), Saroornagar Mandal – the second respondent herein.

The petitioner claims to be absolute owner and possessor of land admeasuring Acs.4.20 guntas in survey No.736 and Acs.4.10 guntas in survey No.733 situated at Nadargul village of Saroornagar Mandal in Ranga Reddy District. The land was allegedly cultivated jointly by the petitioner and his paternal uncle, Chakali Eedaiah @ Bangari Eedaiah. There was oral partition between them in which the petitioner got land in survey Nos.733 and 736. He also obtained necessary PPBs and title deeds. Be that as it is, when the fourth respondent interfered with the possession of the land, the petitioner filed O.S.No.1593 of 2003 on the file of the Court of the Principal Junior Civil Judge, Hyderabad East & North, Ranga Reddy District, and also obtained interim injunction on 13.10.2003. At that stage, the fourth respondent approached the second respondent for cancellation of PPBs issued in favour of petitioner, by filing an appeal alleging that the petitioner herein is not entitled for the land in survey No.736 and that the petitioner in collusion with the officials, tampered the PPBs and title deeds and, therefore, he is trying to sell away the land. Taking the same on file, the second respondent initially passed orders suspending the PPBs as noticed hereinabove. Aggrieved by the same, the petitioner filed a revision petition before the first respondent, which was dismissed observing that when O.S.No.1593 of 2003 for perpetual injunction is pending, it is not proper to entertain revision petition.

Learned Counsel for the petitioner submits that even while passing the interim order, the second respondent ought to have given notice to the petitioner especially when the MRO granted PPBs and title deeds, after conducting enquiry. He also submits that exercise of power by the second respondent is illegal and arbitrary. **Opposing the writ petition**, learned Assistant Government Pleader for Revenue (General-T) submits that while passing the interim order, the second respondent posted the matter to 30.10.2003 and that on 31.10.2003, the matter was finally

disposed of. He also submits that though notice was issued to the petitioner herein, he did not appear before the Revenue Divisional Officer (RDO), East Division, Ranga Reddy District – the second respondent herein. He also points out that petitioner has a remedy by way of filing revision petition before the Joint Collector, against the order dated 31.10.2003 passed by the RDO, subject to law of limitation. He placed before this Court Xerox copy of the order passed by the RDO dated 31.10.2003.

The writ petition itself is filed after lapse of one year, challenging the order dated 20.12.2005. In the mean while, the second respondent disposed of the matter finally and, therefore, the grievance of the petitioner does not survive. If so advised, he can now seek revision of the order passed by the second respondent in Lr.No.A2/3477/03, dated 31.10.2003. As and when such revision petition is filed, the revisional authority should exercise its statutory power subject to any decree or order that may be passed in O.S.No.1593 of 2003, keeping in view the decision of the Division Bench of this Court in **R.S.Murthy v Joint Collector**[1] and also consider the factors delayed in filing such revision petition.

The writ petition, with the above observations, is accordingly dismissed.

November 17, 2006 (**V.V.S.RAO, J**)
YS

[1] 2001(4) ALT 337 (DB)